

EVERGREEN*EAST HILLS VISION STRATEGY
CITY COUNCIL STUDY SESSION

April 30, 2007

ATTACHMENT 4

COMMUNITY QUESTIONS

a. Amenities questions:

1. What are the dollar costs of amenities?

Answer: Estimated costs were provided to the Task Force and the public on December 14, 2005, in a document entitled, "Draft – Potential Amenities".

2. Where is the independent financial analysis of amenities?

Answer: All cost estimates for the amenities are calculated by City staff based on the general descriptions of the amenities listed in the document referenced above.

3. How does the new developer funding (\$225M) affect the proposed list?

Answer: It is unclear at this point how the reduced contribution of \$221 (previous amount was \$225M, reduced from \$250M) will affect the amenity list. This will depend on the Council direction on whether this is a maximum number or whether the goal is to have an approved list of amenities that must be built without consideration of total cost. Assuming the now \$221 million contribution is a maximum number, it is likely that fewer amenities would be constructed without help from outside funding such as grants and bonds.

4. How will amenities be phased in over time?

Answer: Funding for amenities is outlined in the Draft EDP document on the EEHVS website. Actual timing for the construction of amenities will be determined by when and where development first occurs and the availability of land and funding.

5. Given phasing, what are the current costs given what the community (H) proposed?

Answer: Preliminary costs were provided at the December 14, 2005, Task Force meeting and is available on the EEHVS website (see comment/answer #1).

6. How is inflation accounted for in dealing with paying for amenities over a phased period of time?

Answer: Inflation increases are being considered as part of a Funding Agreement and the EDP policy.

7. How can the City guarantee amenities will be paid for if highway improvements increase in cost?

Answer: Securing funding for transportation investments and/or amenities would be addressed through a Funding Agreement between the City of San Jose and the developers/property owners. Additional funding agreements may be required with the Santa Clara Valley Transportation Authority.

EVERGREEN ♦ EAST HILLS VISION STRATEGY

City Council Study Session: Attachment 4

April 18, 2007

Page 2 of 13

8. Can we guarantee the actual list of amenities, rather than a static total dollar figure (~~\$225M~~ now \$221M)?

Answer: City staff will take this under consideration. However, the actual cost of the amenities will not be known until time of construction and acquisition of any real property that may be required. Additionally, the property owners are only offering a dollar contribution amount not a list of amenities.

9. What are the operations and maintenance provisions for amenities, and how will this be paid for over time?

Answer: City staff is still evaluating issues related to operations and maintenance.

10. What are the contractual arrangements with the developers for money allocation at each stage of the process?

Answer: Money allocation or payment schedule to the City for each stage of the process is outlined in the Draft EDP and will be incorporated into the Funding Agreement between the City and the property owners/developers of the Four Opportunity Sites.

b. Industrial conversion questions:

1. How will industrial conversion on the Campus Industrial site affect the city's tax revenue stream?

Answer: A Fiscal Study is being prepared by Keyser-Marston to determine what the affect would be on the City's tax base.

2. How will industrial conversion affect a jobs/housing balance, which is a city principle?

Answer: Converting approximately 320 of Campus Industrially designated land would eliminate the potential for over 10,000 new jobs in the Evergreen area.

3. How will industrial conversion affect service demands in Evergreen?

Answer: The Environmental Impact Report (EIR) analyzed service demand impacts from the new development and concluded that new development would increase the need for services like Fire and Police however, the impact was found to be less-than-significant. However, the conclusion of "less-than-significant" impact was predicated on the addition of a ladder truck company at a Fire Station 36 to be constructed on the corner of Old Silver Creek and Yerba Buena. Additionally, a Fiscal Impact Study is being prepared to look at the developments impact on provided City services on a citywide basis. Results will be discussed at the April 30, 2007, City Council Study Session.

4. Once this land is converted to residential, where will the city find other industrial land options in this area to create a counter-commute and to attract industry?

Answer: As industrial conversions occur throughout the City the options to create additional industrial land becomes impractical. The City has already proactively increased industrial and employment land capacity in North San Jose and the Downtown area, in addition to industrial development planned for Coyote Valley and Edenvale. Specific to the Evergreen area, there is no land sufficient enough in size and location which could be converted to an industrial designation.

EVERGREEN ♦ EAST HILLS VISION STRATEGY

City Council Study Session: Attachment 4

April 18, 2007

Page 3 of 13

5. How can we protect expansion possibilities for Hitachi?

Answer: Through appropriate site design many incompatible functions of an industrial use located next to residential developments can be mitigated.

c. Transportation improvement questions:

1. How much does ITS cost?

Answer: Preliminary cost estimates price the completion of the Intelligent Transportation System within the Evergreen Development Policy boundaries at \$4 million.

2. Currently, what will the "mandatory" traffic improvements (Hwy 101 +) cost, and what guarantees are there against inflation?

Answer: A preliminary cost estimate for all Base Improvements price the improvements at roughly \$112 million. Staff is continuing to coordinate with the appropriate parties to address cost increases due to inflation.

3. If state money pays for the highway improvements, can reimbursed funds goes into paying for amenities, rather than into the City's General Fund?

Answer: Yes, the current Draft of the EDP and the Draft Funding Agreement with the owners assumes this scenario.

4. What will be the effect of having four lanes vs. two lanes on proposed major traffic arteries?

Answer: The decrease from 4 lanes to 2-lanes would reduce capacity on those roadways; however, this would not result in significant additional traffic impacts.

5. What is the fiscal analysis of VTA for Capitol Expressway in terms of its being a traffic corridor and its effect on Arcadia site?

Answer: N/A

d. Open space questions:

1. Per Planning's proposal, what guarantees can be put in place for open space on the Pleasant Hills golf course site to remain so in perpetuity?

Answer: This would be achieved through a policy action by the City Council when this project is considered in 2007.

2. Will there be public access to the private open space?

Answer: Private Open Space assumes the property would remain in private ownership and therefore, there would be no enforcement to provide public access to the property. Public access could be provided by the property owner voluntarily but cannot be mandated by the City.

EVERGREEN ♦ EAST HILLS VISION STRATEGY

City Council Study Session: Attachment 4

April 18, 2007

Page 4 of 13

3. How will maintenance be paid for in the private open space?

Answer: Private Open Space assumes the property would remain in private ownership and therefore, maintenance of the property would be the responsibility of the property owner or an owners' association.

4. What is the ramification of 40% private open space on PHGC from a City impact perspective, and how can we ensure that this land doesn't flip?

Answer: Should the property remain under private ownership there are no legal provisions to prohibit the sale of the land to a new owner. However, the land use designation approved for this portion of the site would be the limiting factor as to the type and intensity of uses which could occur.

e. Sunshine guideline questions:

1. Has the public been adequately informed about all of these issues on a timely basis?

Answer: Yes, staff have diligently ensured complete public outreach by posted all corresponded, memos, staff reports, and public notices of meetings and project announcements and sending notices of the availability of these documents via the EEHVS email list of interested parties. Additionally, staff noticed all public hearings via U.S. Standard Mail and published such meetings in the local news publication.

2. The public has not seen the funding agreement and independent fiscal analysis, when can these be made available?

Answer: The public will be noticed when these documents have been completed. To date (December 8, 2006) the Funding Agreement with the property owners is not finalized and the Fiscal Analysis is anticipated to be completed in March 2007.

3. How can we ensure that the remaining process be open and balanced?

Answer: The City is committed to meeting and going beyond the Council's Public Outreach Policy and the expectations of open government under the Sunshine Ordinance.

4. In terms of new data received from developers and independent sources, how can the community be keep informed of these changes, and in unit numbers and associated reduction in developers' fees?

Answer: Through the EEHVS website Announcements page, or by contacting the City Planning Division directly at (408) 535-7800.

5. Has the City Council been open with the public concerning Council members' meetings with developers?

Answer: Staff has no knowledge of such meetings and therefore refer this question for response to various Council Offices.

6. Once all the information is obtained and analyzed, how can the community be re-engaged before a final proposal is presented to the City Council?

EVERGREEN ♦ EAST HILLS VISION STRATEGY

City Council Study Session: Attachment 4

April 18, 2007

Page 5 of 13

Answer: Planning staff will continue to coordinate a public outreach campaign and will hold at least one additional community meeting prior to the City Council hearing considering adoption of the plan. A City Council Study Session on the EEHVS project will also be held on April 30, 2007 which is a public meeting and open to public testimony.

f. High School land reservation questions: - The last 6 questions should be answered by ESUHSD before a complete proposal can be made.

1. How does a potential ESUHSD boundary change fit in terms of the City Council's EEHVS guiding principle to have neighborhood schools?

Answer: Boundary changes by a school district would not impact the guiding principles associated with the EEHVS project.

2. If the ESUHSD chooses Edenvale or RY Ranch for a land option in the future, how will this affect the City's policies concerning industrial lands and Greenline?

Answer: Locating a new high school in Edenvale could foreseeably jeopardize the longevity of industrial uses and expansion of the area as an employment center. Likewise, locating a new high school outside the City's Urban Growth Boundary would not be consistent with the City's policies to limit growth to existing urban areas, protection of the hillsides and sensitive wildlife areas, and decreasing development pressures on the City's urban fringes.

3. What is the ESUHSD position about land reservation? (Currently they maintain they do not need land inside the opportunity sites, but rather further south east.)

Answer: The ESUHSD staff has stated publicly that they would not say "no" to land reservation but do not feel this location will meet their needs; however, a response as to the ESUHSD Board's position, we refer to the ESUHSD.

4. What is the expected need for a new high school based on EEHVS units?

Answer: The ESUHSD has stated that the student generation rates from the proposed EEHVS units would not meet the California State Guidelines for construction or receiving monies for the construction of a new high school and that because other schools in the District are under-enrolled there is existing capacity within the District.

5. What is the maximum capacity of each high school?

Answer: The California Department of Education determine school capacity thresholds. Please contact the District and visit the State's Department of Education for this information: <http://www.cde.ca.gov/index.asp>

6. What are the acceptable boundary changes?

Answer: District boundary changes are not under the discretion of local municipalities.

7. What is the ESUHSD's long-term policy concerning land options for a new high school?

Answer: Long-term policies of the ESUHSD are not governed by the City and would need to be obtained from the District.

EVERGREEN ♦ EAST HILLS VISION STRATEGY

City Council Study Session: Attachment 4

April 18, 2007

Page 6 of 13

8. Has the school district identified future land options?

Answer: The ESUHSD has only indicated that they are interested in a site in southern San Jose and outside the boundaries of the Evergreen Development Policy area. The District has not provided City staff with specific information as to a desired location for a future high school.

g. Pool unit questions:

1. What are the ramifications of proposed pool unit wording?

Answer: Staff is continuing to research this question.

2. There is currently no nexus for pool allocations and amenities, and can we get a nexus study?

Answer: The amenity “package” is a voluntary contribution by the Four Opportunity Sites for projects that the City could not typically require dedication for or require the construction of and therefore, the requirement of the Four Opportunity Sites to deliver the “package” is through a Funding Agreement. However, a traffic nexus study was prepared for the “pool” units and found that a Traffic Impact Fee could and will be required by the “pool” units to pay for impacts directly attributed to those units. Additionally, the “pool” units will be subject to the City’s Parkland Dedication and Parkland Impact Fee Ordinance of which money or land dedication requirements will further enhance the public amenities throughout the greater Evergreen area.

3. Will excess pool allocations be put into the pool immediately?

Answer: The amount of “pool” units, their allocation, and phasing will be determined by the City Council when the project comes before the Council in 2007. A draft proposal as to the timing of “pool” unit allocation is incorporated in the current Draft EDP, but this may change according to policy direction received from the Council.

h. The EVCC College site:

1. Is the proposed grocery and commercial activity for the college site compatible with the college board's mission and the EEHVS guiding principles and desired outcomes?

Answer: It is assumed that since the School Board is the applicant proposing to construct commercial uses that it is part of their mission. However, no information has been provided to City staff to confirm this.

2. Is this appropriate use for development on the college site in terms of the City's needs and General Plan guidelines?

Answer: The development of commercial uses on the college would be consistent with the Economic Development Goals and Policies of the City and help increase sales tax revenue to help pay for public services.

EVERGREEN ♦ EAST HILLS VISION STRATEGY

City Council Study Session: Attachment 4

April 18, 2007

Page 7 of 13

i. Other Questions:

1. How will the CFD be structured (overview should be fine)?

Answer: The current proposal by the property owners does not anticipate the formation of a Community Facilities District (CFD).

2. What is the formula for calculating TIF for the background pool units?

Answer: A Traffic Impact Fee study was prepared for the "pool" units and is available on the EEHVS website Announcements page.

3. What is the process around collecting and applying these funds, and can these funds offset the mandatory traffic requirements after they have started construction?

Answer: Impact Fees are paid at the time a developer applies for their Building Permits. Yes, these funds could offset mandatory traffic improvements if the improvements overlap.

4. Will all new development be subject to an additional Municipal Funding District to fund ongoing M&O of the amenities?

Answer: It is anticipated that a special district will be required for the proposed project to provide ongoing maintenance of the expected enhanced landscaping, open space and water features a few of which are on the amenities list. The use of these districts for maintenance in the City has been limited to facilities such as enhanced landscape in streets, lakes and water quality features, and enhanced streetscapes and parkways. In addition, staff continues to exploring opportunities to fund ongoing O&M of the park, library and facility related public amenity improvements proposed as part of the EEHVS project. Recommendations will be made with staff's report to the City Council in March 2007.

5. Can you please report out the recommendations from the other boards and commissions who have commented on the task force recommendations?

Answer:

Parks Commission: The Parks and Recreation Commission issued a memorandum with their recommendation on October 4, 2006. This memorandum can be viewed and downloaded from the EEHVS website.

Housing Advisory Commission: The Housing Advisory Commission's recommendation is available on the EEHVS website.

Planning Commission: The Planning Commission's recommendation and hearing synopsis can be downloaded from the Evergreen website.

EVERGREEN ♦ EAST HILLS VISION STRATEGY

City Council Study Session: Attachment 4

April 18, 2007

Page 8 of 13

6. Will the “pool” units be able to move forward without the EEHVS project/”package”?

Answer: No, approval of the “pool” units assumes all the background/base transportation improvement be constructed which amount to approximately \$112 million. The cost of these improvements would not be financially feasible for smaller infill properties to absorb and the majority of the improvements has no nexus to the pool units and require voluntary funding by the owners of the four opportunity sites.

7. Are there restrictions written into the Policy that would limit the ability of “pool” properties from participating in the growth of Evergreen?

Answer: The Draft EDP includes provisions to ensure all remaining properties that are large enough to accommodate additional units have the ability to participate in the future growth of the Evergreen Area. Specifically, measures have been drafted to retain 25% of the “pool” units for smaller properties that could only accommodate four (4) or fewer units while the remaining “pool” units could be allocated to larger sites with more density and mixed use opportunities.

8. Can staff have more direction on exactly when the “pool” units would be able to apply for permits?

Answer: The current Draft of the EDP identifies that the “pool” units could begin pulling their necessary development permits in Phase II, after the initial funding obligation of the Four Opportunity Sites is secured.

CITY COUNCIL QUESTIONS

1. Respond to the speculation of ESUHSD seeking land outside the UGB or properties currently zoned industrial, and inform the Council on the consequences of either of these two possibilities.

Answer: State law exempts school districts from adhering to local land use policies when the use of the land is for educational purposes (which is broadly defined under State law). Therefore the school district could locate a new high school outside the City’s Urban Growth Boundary or on properties currently planned for and zoned for industrial use. Although state law exempts school districts from adhering to local land use policies if the use is for educational purposes, the City would not be in support of located a new high school in these areas as this would not be consistent with City policies related to growth management, the urban growth boundary and urban service area, economic development, and industrial land uses.

2. Please explain if the following text on page 34 of the draft EDP is legally binding: “*The Opportunity Site Owners shall have no entitlement to develop their Opportunity Sites in the event that they fail to enter into an agreement with the City and Santa Clara Valley Transportation Authority, or fail to make payment according to such an agreement, for the owners’ funding of the construction of the Traffic Improvements to Hwy 101 as described herein and in the manner and timing specified herein.*”

Answer: The transportation improvements including those to Interstate 101 and various intersections in the greater Evergreen area are considered a fundamental requirement for

EVERGREEN ♦ EAST HILLS VISION STRATEGY

City Council Study Session: Attachment 4

April 18, 2007

Page 9 of 13

any approved development. Due to the assumption that these improvements will be funded and constructed as part of the EEHVS, the project cannot move forward if the property owners/developers fail to secure the funds to complete these base improvements and enter into all required agreements with the appropriate agencies to complete these improvements.

3. What are the implications of requiring green building standards as opposed to suggesting such standards? (EEHVS Binder to Council: Tab J: Appendix C)

Answer: The Green Building Design Measures listed as Appendix C to the Updated Evergreen Development are intended to assist those involved in the design, construction, review and approval of development in the Evergreen Development Policy area to promote energy saving and resource conservation as the City continues to grow in the 21st century. The proposed updated policy guidelines are intended to have built-in flexibility in the application of the guidelines to promote creative and alternative solutions for individual projects to meet the intent of the guidelines. Therefore, as written the guidelines would not have any significant implications on feasibility of development.

Additionally, many current construction projects already include significant design components that are included in the draft design guidelines such as: installing energy star appliances, energy efficient HVAC units, use of recycled materials, water saving devices, storm water control measures, and the like. Therefore, requirement of these measures would additionally have minimal impact on development and several of these measures are already required as mitigation associated with the Certified Final EEHVS Environmental Impact Report.

4. Does the library master plan recommendation of a Southeast Branch Library in Evergreen already anticipate additional growth?

Answer: Staff is continuing to research this item.

5. Identify "other locations" for transportation improvements as noted in item AE (EEHVS Binder to Council: Tab J: Appendix D).

Answer: A Transportation/Operations Analysis was prepared by Hexagon Transportation Consultants, Inc. in Spring 2006. The report analyzed various transportation corridors in the greater Evergreen area including all signalized and unsignalized intersections, in addition to an analysis on weekend traffic operations. This report is the basis for identifying the "other" transportation improvements included new signals that will be warranted as development occurs.

6. Specify the amount of funding required to complete Lake Cunningham Regional Skate Park (EEHVS Binder to Council: Tab J: Appendix D: Item C)

Answer: The total funding required to complete the Lake Cunningham Regional Skate Park is estimated at \$4,500,000. Of the estimated costs approximately \$1,037,000 are available through the Proposition 12 – Per Capita Program and the remaining \$3,463,000 would be funded by the EEHVS contribution monies.

EVERGREEN ♦ EAST HILLS VISION STRATEGY

City Council Study Session: Attachment 4

April 18, 2007

Page 10 of 13

7. Can concepts such as one-way HOV lanes, Bus Rapid Transit and the phasing of Capitol Expressway improvements be explored so as to mitigate traffic circulation while Highway 101 improvements are underway?

Answer: The Highway 101 project investments and light rail construction along Capitol Expressway are expected to occur within similar near-term time frames, which do not provide opportunities for projects such as one-way HOV lanes and development of a Bus Rapid Transit Corridor. The construction of the light rail project still requires further policy action by the Santa Clara Valley Transportation Authority. However, the tentative scheduled starting date is 2008. The 101 project is tentatively scheduled to begin in 2009. The City will explore all phasing options for those projects and the additional improvements to Capitol Expressway to help balance project and neighborhood needs including traffic circulation.

8. Can community review of the Evergreen Development Policy (see page 34 of draft EDP) be scheduled to occur sooner than before Phase IV begins, such as an annual review from the date of the first building permit being pulled?

Answer: The community review can occur sooner than Phase IV; however, since development permits cannot be issued until Phase II and with "lag-time" for the construction process and occupation of the new homes, it is likely that affects of the updated EDP would not be able to be seen until later phases.

9. Please explain the reference "preserved area of private recreation-designated land" (Page 5, Planning Director's memo to City Council).

Answer: This reference is associated with the Pleasant Hills Golf Course site and staff's recommendation to preserve 40% of the site designated as Private Recreation. The entire site (112 acres) is currently designated as Private Recreation on the City's 2020 General Plan Land Use/Transportation Diagram. In response to the community and the City's concerns regarding the loss of open space staff is recommending that approximately 45 acres retain the existing designation of Private Recreation. Essentially this means no change to the 2020 General Plan Land Use/Transportation Diagram on approximately 45 acres located on the Pleasant Hills Golf Course site.

10. Please provide a grand total of all sources of funds for any improvement as part of the EEHVS including: Developer Fees, Proposition 1B, C&C, Fire Bond (for new fire station at Pleasant Hills), Library Bond (for Southeast Branch Library), Proposition 40 (for regional skatepark), etc.

Answer:

Transportation

The total cost to construct the required Highway 101 improvements are anticipated to be approximately \$104 million based on escalation estimates of construction costs to the year 2010. Funding sources are broken down by: \$30 million from State Transportation Bonds; \$8 million from Federal Grant money; \$50 million from the proposed EEHVS project; \$3 million from past Evergreen projects; and \$13 million from VTA funds.

Although state funds for the construction of the required Highway 101 improvements have not been secured, City staff have been coordinating with various regional and state departments to secure those monies (\$30M) ahead of the EEHVS project consideration by the City

EVERGREEN ♦ EAST HILLS VISION STRATEGY

City Council Study Session: Attachment 4

April 18, 2007

Page 11 of 13

Council on May 15, 2007. Should the state funds from Proposition 1B secured by the for the required highway improvements, those funds would offset the dollar contribution from the developers and could allow for additional funding of either amenities, affordable housing, or funding of maintenance for the additional communities facilities constructed as part of the EEHVS project.

Amenities

Possible other funding sources for amenity projects include; \$914,000 Park Trust Fund for Sports Fields, \$483,000 Park Trust Funds for Ocala Ball Fields, and \$29,000 Park Trust Funds for Thompson Creek Park Chain and Trail improvements.

Staff is continuing to research other possible funding sources for community facilities and amenities (i.e., library, fire station, and a community center).

Additionally the City Council provided direction to staff regarding the Funding Agreement between the developers and the City of San Jose. Although a completed Funding Agreement has not been finalized with the developers of the Four Opportunity Sites, staff has analyzed the below direction as to how they would be addressed in such an agreement.

- a. Require that Proposition 1B money offset a possible Community Facilities District:

The proposed revision to the Evergreen Development Policy does incorporate language which would allow for monies currently earmarked for the Base Transportation improvements to be transferred to construct community amenities should the City acquire State or other regional funding for the required base improvements.

- b. Require that a Level of Service "D" be maintained for all intersections impacted by pool unit allocations which have not currently exceeded that level:

Staff has reviewed the traffic report prepared for this project and has determined that applying this standard to the pool units is not feasible. This is due to the fact that the impacted intersections are an underlying assumption of approving the project and the residential pool units are already considered a contributing factor to the lower level of service standards, as analyzed in the Final Environmental Impact Report.

- c. Integrate affordable housing details into the Funding Agreement which would commit a minimum of 40% affordable units on the Evergreen Valley College site and 20% on the Arcadia site:

The proposed Funding Agreement to the developers does incorporate the establishment of affordable housing units on the Evergreen Valley College site, in addition to those required by State Redevelopment Law for the Arcadia site. However, despite the residential development capacity allowed on the Evergreen Valley College site by a Funding Agreement, the Evergreen Community College District Board of Trustees may take action at any time to change the uses contemplated by the EDP and utilize this site for solely educational purposes as may be authorized by state law. This would preempt local land use jurisdiction over this site and would cause a reduction in the amount of affordable housing required.

- d. Incorporate the needs of the Evergreen School District and the Mount Pleasant School District into the Funding Agreement:

EVERGREEN ♦ EAST HILLS VISION STRATEGY

City Council Study Session: Attachment 4

April 18, 2007

Page 12 of 13

Although staff has not been able to finalize the Funding Agreement with the developers it is the assumption of staff that a Funding Agreement will require specific dedication of land for the sole purpose of meeting the elementary school districts needs.

- e. Discontinue the planning process if a satisfactory financial resolution has been completed between the developers of the Four Opportunity Sites and the East Side Union High School District, which should include the reservation of land on one of the Four Opportunity Sites or a specific location within the District's boundaries:

Recent letter of intent from Carl Berg indicates that the developers have negotiated an acceptable plan with each of the effected school districts, including the East Side Union High School District. However, staff have not seen any of these agreements and is not purview to any additional land dedication for a future high school.

- f. Include specific assumptions as part of the proposed community amenity list, which include assumptions regarding:
 - Phasing of payments to bring amenities and other infrastructure on-line concurrent with development:

Staff has incorporated a revised development and payment schedule in the draft EDP which would provide payments early in the process to ensure transportation projects and community amenities are constructed as the policy area builds out.
 - Providing pedestrian bridges at Eastridge and Thompson Creek (or Nieman area) and from Pleasant Hills to Lake Cunningham Park should be accounted for by either public or private funding sources:

Staff have evaluated preliminary costs for overcrossing construction at approximately \$8 million for a Nieman overcrossing and \$6 million for a Thompson Creek overcrossing. Both overcrossing options are available for the City Council to consider as part of the amenity list to include in a revised EDP.
 - Securing land for the Evergreen Southeast Branch Library (part of library bond approved by the voters in 2000) should be specifically identified prior to adoption of the Funding Agreement, without sacrificing any existing parkland or community centers and without any offset to PDO/PIO fees:

Staff has incorporated the dedication of two (2) acres of land on the Evergreen Valley College site of the South East Branch Library. However, the recent letter from Carl Berg which summarizes the property owners' proposal does not incorporate land dedication for the subject library.
 - Terms of any joint use agreements must be brought forward in draft form to the City Council prior to approval of the Funding Agreement for any facility recommended for joint use by the City and any school district. These agreements must be reviewed with local residents, neighborhood associations, and SNI NAC, and meet the approval of both the City and the District.

City staff have had ongoing meetings with the Evergreen Elementary School District regarding joint-use possibilities on the Arcadia site. Discussions with the school district have indicated that joint-use options are limited, primarily due to the timing that construction of such facilities would be built and the desire of the

EVERGREEN ♦ EAST HILLS VISION STRATEGY

City Council Study Session: Attachment 4

April 18, 2007

Page 13 of 13

Task Force and the residents to construct the Arcadia Community Center as early in the process as possible. Therefore, that fact that the two facilities may be built years apart and the resulting limited amount of joint use options, the parties have agreed that a shared parking lot is the most viable option and would make the most efficient use of the land to maximize property for specific school uses.

Additionally, staff did meet with the Mount Pleasant School District in March 2007. Discussions with the school district will continue with the goal of ultimately finalizing a joint-use agreement which is beneficial to both parties and makes the most efficient use of the land.

Actual joint-use agreements would not be drafted or finalized until development permits are being reviewed for each corresponding site, as typical City practice. Further joint-use agreements and planning would require additional community outreach.

- A minimum of 45 acres set-aside for parkland and greenbelt open space on the Pleasant Hills Golf Course site is required. This may include perimeter buffer areas, neighborhood parks, playgrounds, sports fields, community centers, etc., but not educational or public safety facilities:

The developers of the former Pleasant Hills Golf Course site have been responsive in reducing their proposed residential units from 825 to 665 units on the subject and have increased the amount of open space on the subject, with the intent of meeting the above direction. Although the new proposal of passive and active open space areas currently total approximately 37 acres, this does represent an increase from their original proposal, with buffers from adjacent uses.

- Land for Fire Station 21 (part of the Public Safety Bond approved by the voters in 2002) is being donated by the property owners. Therefore, bond funds originally identified for land acquisition should be appropriated in the Public Safety CIP and earmarked for completion/expansion of public safety projects within the EDP area.

Although staff has not been able to finalize the Funding Agreement with the developers it is the assumption of staff that a Funding Agreement will require specific dedication of land for the sole purpose of meeting the need to relocate Fire Station #21.

- Staff should bring back to council a supplemental memo once the independent Fiscal Impact Analysis and the Financial Study is complete for the EEHVS project.

Staff have formal agreements with an independent economic firm (Keyser Marston Associates) which is analyzing the fiscal impacts that may result from the proposed EEHVS project. Additionally, the subject consulting firm is evaluating the financial contribution and assumption of each of the Four Opportunity Sites as it relates to the proposed funding of transportation and community amenity projects. Findings of the subject reports will be available prior to City Council consideration of the EEHVS project.